

Attorney Docket No.: 2257-1-002

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below under my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**T-CELL DEPENDENT VACCINE AND THE CELL SURFACE RECEPTOR CD28**

the Specification of which

is attached hereto  
 was filed on 8 April 1997  
as Application No. PCT/GB97/00971  
and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified Specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| <u>PRIOR FOREIGN FILED APPLICATION(S)</u> |                |                       |
|---|----------------|-----------------------|
| <u>APPLICATION NUMBER</u>                 | <u>COUNTRY</u> | <u>MONTH/DAY/YYYY</u> |
| 9607711.0                                 | Great Britain  | April 13, 1996        |
|   |                |                       |
|   |                |                       |

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I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER(S)FILING DATE (MM/DD/YYYY)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent  
Application No.PCT Parent  
NumberParent Filing  
(MM/DD/YYYY)Parent Patent  
Number (if applicable)

I hereby appoint as my attorneys or agents the following persons: Jack Matalon, (Attorney, Registration No. 22,441); Stefan J. Klauber (Attorney, Registration No. 22,604); David A. Jackson (Attorney, Registration No. 26,742); Michael D. Davis (Attorney, Registration No. 39,161); William C. Coppola (Attorney, Registration No. 41,686); Mark S. Cohen (Attorney, Registration No. 42,425); Christine E. Dierzel (Agent, Registration No. 37,309); Steven B. Stein (Attorney, Registration No. 43,159); and Donald J. Cox (Attorney, Registration No. 37,804), said attorneys or agents with full power of substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Please address all correspondence regarding this application to:

DAVID A. JACKSON, ESQ.  
KLAUBER & JACKSON  
411 HACKENSACK AVENUE  
HACKENSACK, NEW JERSEY 07601

Direct all telephone calls to David A. Jackson at (201) 487-5800.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so

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made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF FIRST OR SOLE INVENTOR: Andrew William Heath

COUNTRY OF CITIZENSHIP: Great Britain

FULL RESIDENCE ADDRESS: C/O Department of Medical Microbiology  
University of Sheffield Medical School  
Beech Hill Road  
Sheffield  
S10 2RX United Kingdom

FULL POST OFFICE ADDRESS: SAME AS ABOVE

SIGNATURE OF INVENTOR A. W. Heath X

DATE 29/12 September 1998 X

Patent  
Attorney's Docket No. 2257-1-002

Applicant or Patentee: Andrew William Heath

Application or Patent No.:

Filed or Issued: Herewith

For: T-CELL DEPENDENT VACCINE AND THE CELL SURFACE RECEPTOR CD28

## VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 C.F.R. §§ 1.9(f) AND 1.27(d)) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION The University of Sheffield

ADDRESS OF ORGANIZATION Western Bank, Sheffield, South Yorkshire

S10 2TN, United Kingdom

## TYPE OF ORGANIZATION

University or other institution of higher education  
 Tax exempt under Internal Revenue Service Code (26 U.S.C. §§ 501(a) and 501(c)(3))  
 Nonprofit scientific or educational under statute of state of The United States of America  
(Name of state \_\_\_\_\_)  
(Citation of statute \_\_\_\_\_)  
 Would qualify as tax exempt under Internal Revenue Service Code (26 U.S.C. §§ 501(a) and 501(c)(3)) if located in The United States of America  
 Would qualify as nonprofit scientific or educational under statute of The United States of America if located in The United States of America  
(Name of state \_\_\_\_\_)  
(Citation of statute \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. § 1.9(a) for purposes of paying reduced fees under Sections 41(a) and 41(b) of Title 36, United States Code, with regard to the invention entitled T-CELL DEPENDENT VACCINE AND THE CELL SURFACE RECEPTOR CD28 by inventor(s) Andrew William Heath described in

the specification filed herewith  
 Application No. \_\_\_\_\_, filed \_\_\_\_\_  
 Patent No. \_\_\_\_\_, issued \_\_\_\_\_

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the above-identified nonprofit organization are not exclusive, each individual, concern, or organization having rights to the invention is listed below,\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an individual inventor under 37 C.F.R. § 1.9(c), or by any concern that would not qualify as either a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention asserting to their status as small entities. (37 C.F.R. § 1.27.)

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**FULL NAME**

**ADDRESS .**

individual       small business concern       nonprofit organization

**Full Name**

## ADDRESS.

Individual     Small business owner     Nonprofit organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earlier of the issue fee and any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b).)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Dr R A Exley

**TITLE IN ORGANIZATION** Intellectual Property Manager

**ADDRESS OF PERSON SIGNING** Western Bank, Sheffield, South Yorkshire, S10 2ZN

### United Kingdom

**SIGNATURE**

12AExcl

DATE 30 Sept 1998

PATENT  
2257-1-002CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : ANDREW WILLIAM HEATH  
SERIAL NO. : UNASSIGNED EXAMINER : UNKNOWN  
FILED : HEREWITH ART UNIT : UNKNOWN  
FOR : T-CELL DEPENDENT VACCINE AND THE CELL SURFACE  
RECEPTOR CD28  
EXPRESS MAIL "MAILING LABEL NO." : EL790334750US  
DATE OF DEPOSIT : February 8, 2002

ASSOCIATE POWER OF ATTORNEY

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

Dear Sir:

The undersigned attorney for applicant hereby appoints Valeta A. Gregg, Registration No. 35,127, as Associate Attorney to prosecute the above-identified patent application and to transact all business in the Patent and Trademark Office connected therewith.

Please continue to address all correspondence as follows:

David A. Jackson, Esq.  
KLAUBER & JACKSON  
411 Hackensack Avenue  
Hackensack, New Jersey 07601

Respectfully submitted,

  
DAVID A. JACKSON  
Attorney for Applicant(s)  
Registration No. 26,742

KLAUBER & JACKSON  
411 Hackensack Avenue  
Hackensack, NJ 07601  
(201) 487-5800

Date: February 8, 2002

A S S I G N M E N T

WHEREAS, I Andrew William Heath, a citizen of Great Britain,  
residing at

The University of Sheffield Medical School  
Beech Hill Road  
Sheffield  
S10 2RX  
Great Britain

has invented certain new and useful improvements in

**T-CELL DEPENDENT VACCINE AND THE CELL SURFACE RECEPTOR CD28**

for which I have filed an Application for Letters Patent in the United States on October 9, 1998,  
assigned Serial No. 09/171,063; and

WHEREAS,

The University of Sheffield  
Western Bank  
SHEFFIELD  
S10 2TN  
Great Britain

ASSIGNEE, is desirous of obtaining the entire right, title and interest in, to and under the  
said improvements and the said application;

NOW, THEREFORE, for other good and valuable consideration, the receipt of which is  
hereby acknowledged, I the said

ASSIGNOR,

has sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer  
and set over, to the said

ASSIGNEE,

its successors, legal representatives and assigns, the entire right, title and interest in, to and under  
the said improvements, and the said application and all divisions, renewals, continuations,

continuations-in-part, extensions, renewals and reissues thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, including the right to claim priority under the terms of any appropriate International Convention based upon said application for Letters Patent of the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and extensions, renewals and reissues thereof; and I hereby authorize and request the Commissioner of Patents and Trademarks of the United States and any official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said

RECORDED  
IN THE  
U.S. PATENT  
AND TRADEMARK  
OFFICE  
AT WASHINGTON,  
D.C.  
ON  
FEBRUARY 16, 1999  
BY  
ANDREW WILLIAM HEATH

ASSIGNEE,

its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant that I have full right to convey the interest herein assigned in the manner hereinabove set forth, and that I have not executed, and will not execute, any agreement in conflict herewith.

AND I HEREBY further covenant and agree that I will communicate to the said

ASSIGNEE,

its successors, legal representatives and assigns, any fact known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisions, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said

ASSIGNEE,

its successors, legal representatives and assigns, to obtain and enforce proper Patent Protection for said improvements in the United States.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal the day and year set opposite my signature.

Date February 16th, 1999

  
L.S.  
ANDREW WILLIAM HEATH



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

MAY 25, 1999

PTAS

KLAUBER & JACKSON  
DAVID A. JACKSON  
411 HACKENSACK AVENUE, 4TH FLOOR  
HACKENSACK, NEW JERSEY 07601



\*100980566A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/08/1999

REEL/FRAME: 9797/0747  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

HEATH, ANDREW WILLIAM

DOC DATE: 02/16/1999

ASSIGNEE:

SHEFFIELD, UNIVERSITY OF, THE  
WESTERN BANK  
SHEFFIELD, S10 2TN, GREAT BRITAIN

SERIAL NUMBER: 09171063

FILING DATE: 10/09/1998  
PATENT NUMBER: ISSUE DATE:

ALLYSON PURNELL, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

03-12-1999

REC

100980566

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

ET

Attorney Docket No. 2257-1-002

To the Assistant Commissioner for Patents: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Andrew William Heath

MLD  
3-8-99Additional name(s) of conveying party(ies) attached?  Yes  No

3. Nature of conveyance:

 Assignment Security Agreement Merger Change of Name

Other: \_\_\_\_\_

Execution Date: February 16, 1999

2. Name and address of receiving party(ies):

Name: The University of Sheffield

Address: Western Bank

Sheffield

S10 2TN

Great Britain

Additional name(s) & address(es) attached?  Yes  No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

09/171,063

B. Patent No.(s)

Additional numbers attached?  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: David A. Jackson

Address: KLAUBER &amp; JACKSON

411 Hackensack Avenue, 4th Floor

Hackensack, New Jersey 07601

6. Total number of applications and patents involved: 1 \_\_\_\_\_

7. Total fee (37 CFR 3.41): \$40.00

 Enclosed Authorized to be charged to deposit account, if necessary - for overages or underpayments only

8. Deposit account number:

11-1153

(Attach duplicate copy of this page if paying by deposit account)

03/10/1999 DNGUYEN 00000061 09171063

01 FEB 1999

40.00 UP

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Michael D. Davis, Reg. No. 39,161  
Name of Person Signing

Michael D. Davis

Signature

3/14/99  
Date

Total number of pages including cover sheet, attachments, and document: 3

Mail documents to be recorded with required cover sheet information to:

Assistant Commissioner For Patents  
Box Assignments  
Washington, D.C. 20231